

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.198 OF 2005
IN
FAMILY COURT APPEAL(ST) NO.15046 OF 2005

Dr.Sandhya Deepak Raskar ...Applicant

Vs.

Dr. Deepak Arjunrao Raskar ...Respondent

Ms. Seema Sarnaik for Applicant

Ms. Kokila Karla for Smt. Manjula Rao for Respondent

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI, JJ.
DATED: 20TH SEPTEMBER, 2005

P.C.

1. Heard Ms. Sarnaik in support of this Application. Ms. Karla appears for the Respondent. The Application seeks to recall the order passed by us on 23rd August 2005 on the Family Court Appeal (S) No.15046 of 2005. It also prays that the consent terms which were signed by the parties on 23rd August 2005 be cancelled.

2. Ms. Sarnaik submits that the consent terms were signed with an understanding that the interest of the Applicant is fully taken care of thereunder. The Applicant is however, now of the view that it is not so and that she needs some better compensation for agreeing for the divorce.

3. Ms. Karla has pointed out that the consent terms are signed with full understanding and both the parties know English and they have signed their consent terms after full thought. In the circumstances there is no reason to recall the order which was passed on 23th August, 2005.

4. We have noted the submissions of both the Counsel. It was with full understanding the consent terms were signed and tendered by the parties. We could have disposed of the Appeal on that date itself however, to see to it that the Respondent brings the amount of Rs.1,10,000/-, the Appeal was kept alive and was adjourned to today. The order passed on 23rd August, 2005 was in fact in the interest of the Applicant.

6. There are no allegations of fraud, misrepresentation, misunderstanding or mistake. That being so the understanding arrived at between the parties is not vitiated in any manner and the consent terms operate as estoppel between the parties as held in Byram Pestonji Gariwala Vs. Union Bank of India & Ors. reported in 1992 (1) of S.C.C. page 31. The Applicant therefore cannot go back from the consent terms.

6. In the circumstances we see no reason to recall our order passed on 23rd August 2005 and/or to cancel the consent terms signed on 23rd August 2005. This Civil Application No.198 of 2005 is therefore, rejected.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)